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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. CR-12-00554 SBA
11 Plaintiff,) STIPULATED REQUEST TO CONTINUE
12 v.) HEARING DATE TO NOVEMBER 6,
13) 2012 AND TO EXCLUDE TIME UNDER
14 CLYDE ALLEN CRAIG,) THE SPEEDY TRIAL ACT AND
15 Defendant.) [PROPOSED] ORDER
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Hearing Date: October 16, 2012
Time: 9:30 a.m.

The Honorable Kandis A. Westmore

17 The above-captioned matter is set on October 16, 2012 before the Honorable Kandis
18 Westmore for a status hearing. The parties jointly request that the Court continue the matter to
19 November 6, 2012, at 9:30 a.m., before the sitting magistrate court, and that the Court exclude
20 time under the Speedy Trial Act, 18 U.S.C. § 3161, between October 16, 2012 and November 6,
21 2012, so that the defense can have time to review the discovery, to research the Guidelines range
22 and to obtain prior records.

23 On July 12, 2012, the grand jury charged Clyde Allen Craig with violations of 18 U.S.C.
24 § 2252, the possession and distribution of child pornography. On July 18, 2012, Mr. Craig was
25 arraigned on the Indictment and pleaded not guilty. On the most serious charge, Mr. Craig faces

1 a minimum sentence of 15 years imprisonment and a maximum sentence of 40.

2 The government produced discovery in this case. The defense has reviewed that
3 discovery but needs additional time to review the discovery with her client and to conduct an
4 evidence view. The defense also needs time to investigate the case and to obtain prior conviction
5 records to assess Mr. Craig's sentencing Guidelines range. For these reasons, the defense
6 requests additional time, and the parties agree that this is an appropriate reason to continue this
7 case until November 6, 2012.

8 The parties stipulate and agree that the ends of justice served by this continuance
9 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
10 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
11 the reasonable time necessary for effective preparation, taking into account the exercise of due
12 diligence. Accordingly, the parties agree that the period of time from October 16, 2012 until
13 November 6, 2012, should be excluded in accordance with the provisions of the Speedy Trial
14 Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking
15 into account the exercise of due diligence.

16 DATED: October 12, 2012

/S/
RODNEY VILLAZOR
Assistant United States Attorney

18 DATED: October 12, 2012

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

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ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

4 1. Given that the defense needs additional time to review the discovery produced
5 with her client and to conduct an evidence view:

6 2. Given that the defense has requested additional time to investigate the case and to
7 obtain prior conviction records to assess the sentencing Guidelines range;

8 3. Given that these above-listed tasks are necessary to the defense preparation of the
9 case and that the failure to grant the requested continuance would unreasonably deny counsel for
10 defendant the reasonable time necessary for effective preparation, taking into account the
11 exercise of due diligence;

12 4. Given that the ends of justice served by this continuance outweigh the best interest
13 of the public and the defendant in a speedy trial:

14 Based on these findings, IT IS HEREBY ORDERED that the STATUS date of October
15 16, 2012, scheduled at 9:30 a.m., before the Honorable Kandis A. Westmore, is vacated and reset
16 for November 6, 2012, at 9:30 a.m., before the sitting United States Magistrate Court. It is
17 FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §
18 3161(h)(7)(A) and (B)(iv), from October 16, 2012 until November 6, 2012.

20 | October 12, 2012

Kandis Westmore
KANDIS A. WESTMORE
United States Magistrate Judge